

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1909

To improve the interstate enforcement of child support and parentage court orders, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 8 (legislative day, FEBRUARY 22), 1994

Mr. BRYAN introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To improve the interstate enforcement of child support and parentage court orders, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Child Support Enforce-  
5       ment Act of 1994”.

1           **TITLE I—CHILD SUPPORT**  
2                           **ENFORCEMENT**

3   **SEC. 101. HOLD ON OCCUPATIONAL, PROFESSIONAL, AND**  
4                           **BUSINESS LICENSES.**

5           (a) STATE HOLD BASED ON WARRANT OR SUPPORT  
6 DELINQUENCY.—Section 466(a) of the Social Security  
7 Act (42 U.S.C. 666(a)) is amended by inserting after  
8 paragraph (11) the following:

9                   “(12) Procedures under which the State occu-  
10           pational licensing and regulating departments and  
11           agencies may not issue or renew any occupational,  
12           professional, or business license of—

13                   “(A) a noncustodial parent who is the sub-  
14           ject of an outstanding failure to appear war-  
15           rant, capias, or bench warrant related to a child  
16           support proceeding that appears on the State’s  
17           crime information system, until removed from  
18           the system; and

19                   “(B) an individual who is delinquent in the  
20           payment of child support, until the obligee or a  
21           State prosecutor responsible for child support  
22           enforcement consents to, or a court that is re-  
23           sponsible for the order’s enforcement orders,  
24           the release of the hold on the license, or an ex-  
25           pedited inquiry and review is completed while

1           the individual is granted a 60-day temporary li-  
2           cense.

3       The preceding sentence shall not apply to an individ-  
4       ual who makes an adequate showing to the State  
5       that the failure to issue or renew an occupational,  
6       professional, or business license will result in undue  
7       hardship.”.

8       (b) FEDERAL HOLD BASED ON SUPPORT DELIN-  
9       QUENCY.—A Federal agency may not issue or renew any  
10      occupational, professional, or business license of an indi-  
11      vidual who is delinquent in the payment of child support,  
12      until the obligee, the obligee’s attorney, or a State pros-  
13      ecutor responsible for child support enforcement consents  
14      to, or a court that is responsible for the order’s enforce-  
15      ment orders, the release of the hold on the license, or an  
16      expedited inquiry and review is completed while the indi-  
17      vidual is granted a 60-day temporary license. The preced-  
18      ing sentence shall not apply to an individual who makes  
19      an adequate showing to the State that the failure to issue  
20      or renew an occupational, professional, or business license  
21      will result in undue hardship.

1 **SEC. 102. DENIAL OF FEDERAL BENEFITS, LOANS, GUARAN-**  
2 **TEES, AND EMPLOYMENT TO CERTAIN PER-**  
3 **SONS WITH LARGE CHILD SUPPORT ARREAR-**  
4 **AGES.**

5 (a) BENEFITS, LOANS, AND GUARANTEES.—Not-  
6 withstanding any other provision of law, each agency or  
7 instrumentality of the Federal Government may not,  
8 under any program that the agency or instrumentality su-  
9 pervises or administers, provide a benefit to, make a loan  
10 to, or provide any guarantee for the benefit of, any individ-  
11 ual—

12 (1) whose child support arrearages, determined  
13 under a court order or an order of an administrative  
14 process established under State law, exceed \$1,000;  
15 and

16 (2) who is not in compliance with a plan or an  
17 agreement to repay the arrearages.

18 The preceding sentence shall not apply to an individual  
19 who makes an adequate showing to the State that the fail-  
20 ure to provide a benefit, loan, or guarantee will result in  
21 undue hardship.

22 (b) EMPLOYMENT.—

23 (1) IN GENERAL.—Notwithstanding any other  
24 provision of law, an individual shall be considered in-  
25 eligible to accept employment in a position in the  
26 Federal Government if—

1 (A) such individual has child support ar-  
2 rearages, determined under a court order or an  
3 order of an administrative process established  
4 under State law, exceeding \$1,000; and

5 (B) such individual is not in compliance  
6 with a plan or agreement to repay the arrear-  
7 ages.

8 The preceding sentence shall not apply to an individ-  
9 ual who makes an adequate showing to the State  
10 that ineligibility to accept employment will result in  
11 undue hardship.

12 (2) REGULATIONS.—Regulations to carry out  
13 paragraph (1) shall—

14 (A) with respect to positions in the execu-  
15 tive branch, be prescribed by the President (or  
16 his designee);

17 (B) with respect to positions in the legisla-  
18 tive branch, be prescribed jointly by the Presi-  
19 dent pro tempore of the Senate and the Speak-  
20 er of the House of Representatives (or their  
21 designees); and

22 (C) with respect to positions in the judicial  
23 branch, be prescribed by the Chief Justice of  
24 the United States (or his designee).

1           (3) CHILD SUPPORT DEFINED.—For purposes  
2           of this subsection, the term “child support” has the  
3           meaning given such term in section 462(b) of the  
4           Social Security Act (42 U.S.C. 662(b)).

5 **SEC. 103. DENIAL OF PASSPORTS TO NONCUSTODIAL PAR-**  
6 **ENTS SUBJECT TO STATE ARREST WARRANTS**  
7 **IN CASES OF NONPAYMENT OF CHILD SUP-**  
8 **PORT.**

9           The Secretary of State is authorized to refuse a pass-  
10          port or revoke, restrict, or limit a passport in any case  
11          in which the Secretary of State determines or is informed  
12          by competent authority that the applicant or passport  
13          holder is a noncustodial parent who is the subject of an  
14          outstanding State warrant of arrest for nonpayment of  
15          child support, where the amount in controversy is not less  
16          than \$10,000.

17 **SEC. 104. FAIR CREDIT REPORTING ACT AMENDMENT.**

18          Section 604 of the Consumer Credit Protection Act  
19          (15 U.S.C. 1681b) is amended by adding at the end the  
20          following:

21          “(4) To a State agency administering a State plan  
22          under section 454 of the Social Security Act, for use to  
23          establish or modify a child support award.”.

1 **SEC. 105. NATIONAL REPORTING OF NEW HIRES AND CHILD**  
 2 **SUPPORT INFORMATION.**

3 (a) IN GENERAL.—The Secretary of the Treasury, in  
 4 consultation with the Secretary of Labor, shall establish  
 5 a system of reporting of new employees by requiring em-  
 6 ployers to provide a copy of every new employee’s W-4  
 7 form to the child support enforcement agency of the State  
 8 in which the employment is located.

9 (b) EXPANDED USE OF FORM.—The Secretary of the  
 10 Treasury shall modify the W-4 form completed by the new  
 11 employee to include—

12 (1) whether a child support obligation is owed  
 13 by the new employee, and if so, to whom such obli-  
 14 gation is payable and the amount of such obligation,

15 (2) whether payment of such obligation is to be  
 16 by income withholding, and

17 (3) whether the new employee has health care  
 18 insurance available.

19 **TITLE II—INTERSTATE CHILD**  
 20 **SUPPORT ENFORCEMENT**

21 **SEC. 201. INTERSTATE RECOGNITION OF CHILD SUPPORT**  
 22 **AND PARENTAGE ORDERS.**

23 (a) IN GENERAL.—Chapter 115 of title 28, United  
 24 States Code, is amended by inserting after section 1738A  
 25 the following:

1 **“§ 1738B. Full faith and credit to child support and**  
2 **parentage orders**

3 “(a) As used in this section:

4 “(1) The term ‘child’ means any individual who  
5 has not attained the age of 18 years, and any indi-  
6 vidual who has attained the age of 18 years for  
7 whom a child support order has been issued pursu-  
8 ant to the laws of a State.

9 “(2) The term ‘child support’ includes periodic  
10 and lump-sum payments for current and past due  
11 economic support, payments of premiums for health  
12 insurance for children, payments for or provision of  
13 child care, and payments for educational expenses.

14 “(3) The term ‘child support order’ means a  
15 judgment, decree or order of a court requiring the  
16 payment of money, whether in periodic amounts or  
17 lump sum, for the support of a child and includes  
18 permanent and temporary orders, initial orders and  
19 modifications, ongoing support and arrearages.

20 “(4) The term ‘child’s State’ means, with re-  
21 spect to a child, the State in which the child resides  
22 with a parent or an individual acting as a parent.

23 “(5) The term ‘contestant’ means an individual,  
24 including a parent, who claims a right to receive  
25 child support or is under an order to pay child sup-



1 port, and includes States and political subdivisions  
2 to which support rights have been assigned.

3 “(6) The term ‘court’ means a court, adminis-  
4 trative process, or quasijudicial process of a State  
5 that is authorized to—

6 “(A) adjudicate parentage;

7 “(B) establish the amount of support pay-  
8 able by a contestant; or

9 “(C) modify the amount of support pay-  
10 able by a contestant.

11 “(7) The term ‘home State’ means, with respect  
12 to a child, the State in which, immediately preceding  
13 the time involved, the child lived with his or her par-  
14 ents, a parent, or an individual acting as parent, for  
15 at least 6 consecutive months (including any periods  
16 of temporary absence), and if the child has not at-  
17 tained the age of 6 months, the State in which the  
18 child lived from birth with any of such individuals.

19 “(8) The term ‘individual acting as a parent’  
20 means an individual, other than a parent, who has  
21 physical custody of a child and who has either been  
22 awarded custody by a court or claims a right to cus-  
23 tody.

24 “(9) The terms ‘modification’ and ‘modify’ refer  
25 to a change in a child support order or an order ad-

1       judicating parentage that modifies, replaces, super-  
2       sedes, or otherwise is made subsequent to such prior  
3       order, whether or not made by the same court that  
4       issued such prior order.

5           “(10) The term ‘State’ means a State of the  
6       United States, the District of Columbia, the Com-  
7       monwealth of Puerto Rico, a territory or possession  
8       of the United States, and Indian country as defined  
9       in section 1151 of title 18, United States Code.

10       “(b) The courts of each State shall recognize and en-  
11      force according to its terms a child support order or an  
12      order adjudicating parentage against an individual over  
13      whom personal jurisdiction has been exercised consistent  
14      with this section, and shall not modify such an order ex-  
15      cept as provided in subsection (f).

16       “(c) A court of a State may exercise personal jurisdic-  
17      tion over a nonresident contestant if there is any basis  
18      consistent with the constitution of the State and the Con-  
19      stitution of the United States for the exercise.

20       “(d) A court of a State which has issued a child sup-  
21      port order or an order adjudicating parentage consistent  
22      with this section shall have continuing, exclusive jurisdic-  
23      tion of the order for so long as the State remains the  
24      child’s State or the residence of any contestant, unless an-

1 other State, acting in accordance with subsection (f), has  
2 modified the order.

3 “(e) Before a court of a State makes a child support  
4 order or adjudicates parentage, reasonable notice and op-  
5 portunity to be heard shall be given to the contestants.

6 “(f) A court of a State may modify a child support  
7 order or an order adjudicating parentage issued by a court  
8 of another State if—

9 “(1) each contestant has filed written consent  
10 for the court of the State to modify the order and  
11 assume continuing, exclusive jurisdiction of the  
12 order; and

13 “(2) the court of the State otherwise has juris-  
14 diction to issue such an order.

15 “(g) A court of a State which no longer has continu-  
16 ing, exclusive jurisdiction of a child support order or an  
17 order adjudicating parentage may enforce the order with  
18 respect to unsatisfied obligations which accrued before the  
19 date the order is modified in accordance with subsection  
20 (f).

21 “(h) A court of a State shall not exercise jurisdiction  
22 in any proceeding for a child support order or an adjudica-  
23 tion of parentage commenced during the pendency of a  
24 proceeding in a court of another State when the court of

1 the other State is exercising jurisdiction consistent with  
2 this section unless—

3 “(1) the proceeding was filed in the State be-  
4 fore the expiration of time allowed in the other State  
5 for filing a responsive pleading challenging the exer-  
6 cise of jurisdiction by the other State;

7 “(2) the contesting party timely challenges the  
8 exercise of jurisdiction by the other State; and

9 “(3) if applicable, the court is in the home  
10 State of the child.

11 “(i)(1) Except as provided in paragraphs (2) and (3),  
12 the forum State’s law shall apply in a proceeding to estab-  
13 lish, modify, or enforce a child support order or an order  
14 adjudicating parentage.

15 “(2) The courts of a State shall apply the law of the  
16 State that issued a child support order or an order adju-  
17 dicating parentage in interpreting such an order.

18 “(3) In an action to enforce a child support order  
19 or an order adjudicating parentage, the statute of limita-  
20 tions under the laws of the forum State or the issuing  
21 State, whichever is longer, shall apply.”.

22 (b) CLERICAL AMENDMENT.—The chapter analysis  
23 for such chapter is amended by inserting after the item  
24 relating to section 1738A the following:

“1738B. Full faith and credit to child support and parentage orders.”.

1       **TITLE III—HIDING ASSETS**

2       **SEC. 301. FRAUDULENT TRANSFER PURSUIT.**

3       Section 466(a) of the Social Security Act (42 U.S.C.  
4       666(a)), as amended by section 101, is amended by insert-  
5       ing after paragraph (12) the following:

6               “(13) Procedures requiring that, in any case re-  
7       lated to child support, any transfer of property by  
8       an individual who owes a child support arrearage  
9       shall be presumed to be made with the intent to  
10      avoid payment of the arrearage, and may be rebut-  
11      ted by evidence to the contrary.”.

12      **SEC. 302. FRAUDULENT TRANSFER PURSUIT.**

13      Section 466(a) of the Social Security Act (42 U.S.C.  
14      666(a)), as amended by section 101 and section 301, is  
15      amended by inserting after paragraph (12) the following  
16      new paragraph:

17              “(14) Procedures that allow the State to void  
18      fraudulent conveyances of property that are made in  
19      an attempt to avoid child support obligations.”.

○